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OF COUNSEL

January 26, 2023

Via ECF only

The Honorable Sarah Netburn
United States Magistrate Judge
United States District Court for the
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, New York 10007

Re: *In Re Terrorist Attacks on Sept. 11, 2001, 03-MDL-1570 (GBD)(SN)*
Ashton, et al. v. al Qaeda Islamic Army, et al., 02-cv-6977 (GBD)(SN)
Bauer, et al. v. al Qaeda Islamic Army, et al., 02-cv-07236 (GBD)(SN)
Ryan, et al. v. Islamic Republic of Iran, et al., 20-cv-00266 (GBD)(SN)
Ashton, et al. v. Kingdom of Saudi Arabia, 1:17-cv-2003 (GBD)(SN)

Letter re: Court's Order of December 12, 2022 Order, MDL Doc. No. 8796

Dear Magistrate Judge Netburn:

We submit this Letter Motion in compliance with the Court's order of December 12, 2022, to submit lists of parties and docket entries to assist the Court in completing the severance of the claims of four certain plaintiffs of the Maher family from *Bauer, et al. v. al Qaeda Islamic Army, et al.*, 02-cv-07236 and *Ashton, et al. v. al Qaeda Islamic Army, et al.*, 02-cv-6977 for placement of such claims into new cases to be created upon severance from *Bauer/Ashton* as well as transferring existing judgments against Iran into the existing *Ryan, et al. v. Islamic Republic of Iran, et al.*, 20-cv-00266 case. The four *Bauer/Ashton* plaintiffs are: Katherine Maher, as personal representative of the Estate of Daniel L. Maher, and individually in her own right, and Daniel R. Maher and Joseph F. Maher (sons of 9/11 Decedent Daniel L. Maher).

As the Court now knows from the letter filed by *Bauer* counsel, MDL Doc. No. 8838, the matter has been affected somewhat by termination of the undersigned counsel by the Ryan family, which was directly involved in the subject of the November 18, 2022 hearing.

We believe it is quite clear that, in the November 18 hearing, the Court asked the parties whether there was any problem with severing the claims of the involved plaintiffs, *nunc pro tunc*, and transferring them into new cases to be created upon severance and transferring necessary underlying and pending docket entries into the new cases and, in regard to Iran, the existing judgments into the existing *Ryan* case. The undersigned counsel and the Baumeister firm agreed in open court to this resolution of the matter. We understood the Court's order of December 12, 2022, was designed to facilitate that resolution. We undertook to review the status of the hundreds of defendants and two decades of docket entries in order to create the lists.

BIRMINGHAM, AL
DELAND, FL
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If we understand the Court's Order correctly, we have only designated on the attached lists the docket entries of pending matters from the *Bauer* docket and the *Ashton* docket; we have not listed items that are no longer pending, but we do list orders with continuing application; nor do we list items from the MDL docket because Your Honor's order did not call for it. We recognize that numerous MDL docket entries, *e.g.*, the Case Management Orders at MDL ECF 16, 247, and 248, do and will apply to the new cases. There are some exceptions, particularly as to the Sudan cases, such as MDL ECF 6429 and 6537, pertaining to pleadings we did not find on the *Ashton* docket. The notations regarding the docket entries are generally only summaries.

Given the number of defendants and the length of the dockets, we recognize it is possible that we missed some docket entries; if we do find others, we will file a letter motion for transfer of any such entries.

The Baumeister firm has reviewed this letter and does not oppose it.

Accordingly, we limit our submission of the lists requested by the Court to pending matters and order pertaining only to the Maher family: Katherine Maher, as personal representative of the Estate of Daniel L. Maher, and individually in her own right, and Daniel R. Maher and Joseph F. Maher (sons of 9/11 Decedent Daniel L. Maher).

Respectfully Submitted,

/s/ Timothy B. Fleming
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